

IN RE: PETITION FOR ZONING VARIANCE
SE/S Galahad Court, 125' NE
of the c/l of Litany Lane
(11 Galahad Court)
14th Election District
6th Councilmanic District
Bernard J. Zeller, Jr., et ux
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 89-108-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit a side yard setback of 5.5 feet in lieu of the required 8 feet and a sum of widths of side yards of 15.5 feet in lieu of the required 20 feet for an attached garage as more particularly described on Petitioner's Exhibit 1.

The Petitioners appeared and testified. There were no Protes-

tants.
Testimony indicated that the subject property, known as 11 Galahad Court, is zoned D.R. 5.5 and is improved with a single family dwelling. Petitioners have lived on the subject property for the past year and now desire to construct a garage to protect their automobiles. Due to the layout of the existing dwelling and the topography of the land, the garage cannot be constructed without the requested variances. Petitioners have spoken to all surrounding neighbors who have indicated they have no objection to their plans.

Based upon the testimony and evidence presented at the hearing, all of which was uncontradicted, in the opinion of the Deputy Zoning Commissioner the relief requested sufficiently complies with the requirements of Section 307 of the Baltimore County Zoning Regulations (B.C.Z.R.) and, therefore, should be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety,

and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 7th day of October, 1988 that the Petition for Zoning Variance to permit a side yard setback of 5.5 feet in lieu of the required 8 feet and a sum of widths of side yards of 15.5 feet in lieu of the required 20 feet for an attached garage, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions:

- 1) The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.
- 2) In accordance with the comments submitted by the Director of Planning, dated September 27, 1988, attached hereto and made a part hereof, Petitioner shall submit a landscaping plan for approval by the Office of Current Planning and Deputy Zoning Commissioner.

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

AMN:bjs

-2-

BERNARD J. ZELLER, JR.
11 GALAHAD COURT
BALTIMORE, MARYLAND 21237

Mr. J. Robert Haines
Baltimore County Zoning
Commissioner
Office of Planning and Zoning
Towson, Maryland 21204

RE: Petition for Zoning Variance
Case # 89-108-A
Issued 10/7/88
Building Permit #B017961
Issued 5/30/89

Dear Mr. Haines:

An Interoffice correspondence dated September 27, 1988, indicates that landscaping between garage and driveway located 5.5' from adjoining property be provided.

There are three (3) problems with landscaping along the property line:

1. The property line is located in the middle of a severe incline to the adjoining property.
2. There is a swale at the bottom of the incline located directly next to the garage and driveway section designated for landscaping, which would impede proper drainage. (See PHOTO #1)
3. Our neighbor to the right, who is directly affected, does not wish to navigate around shrubs or whatever on the property line while mowing his lawn, and also feels emergency access would be hampered. (SEE PHOTO #2)

What we would propose is to plant four (4) evergreen azalea bushes and three (3) perennial hostas plants along the 24' base of the garage, while returning the remaining affected area to grass.

This will provide a pleasant view from our neighbors window, yet not disturb the swale or interfere with mowing the lawn.

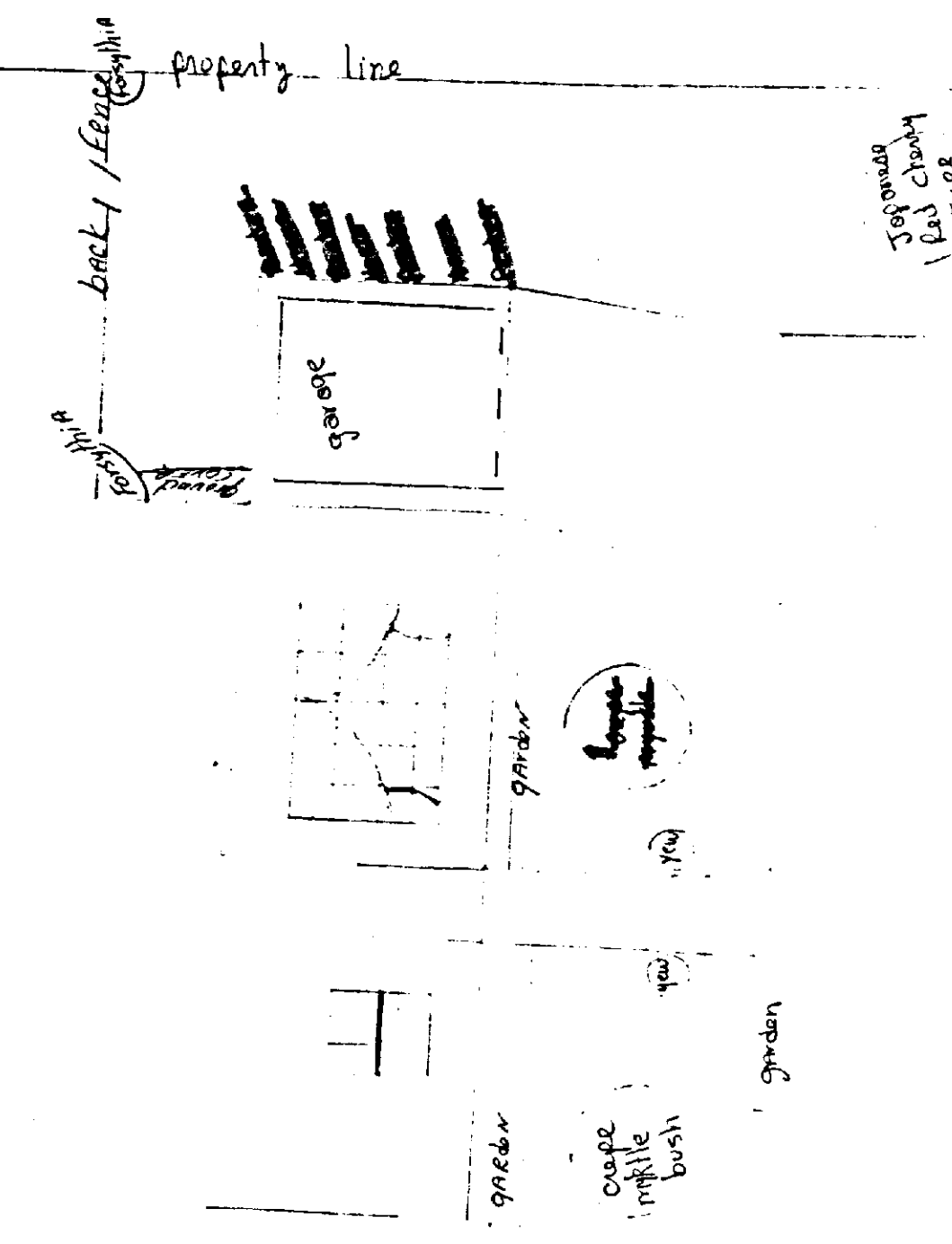
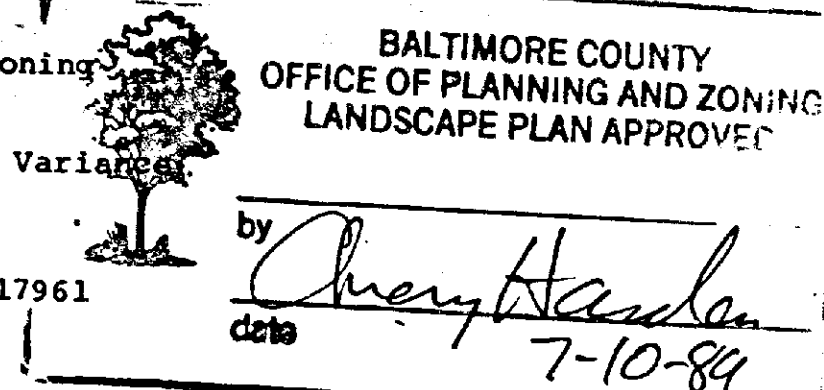
We hope this landscaping plan as outlined will be acceptable.

Should you have any questions or require any additional information, please feel free to contact Bernie Zeller at 574-0182 or Carolyn Zeller at 962-2267.

Thank you for your attention to this matter.

Sincerely,

for Carolyn Zeller
Bernard J. Zeller, Jr.



PETITION FOR ZONING VARIANCE
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 89-108-A

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1102.3.B. (1) B.C.Z.R. to permit a side yard setback of 5.5' and a sum of widths of side yards of 15.5' in lieu of the required 8' and 20' respectively.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty)

1. There is no other place on the lot for an attached garage.
2. Since it is a double-frontage lot, it would be difficult to have a detached garage.

Property is to be posted and advertised as prescribed by Zoning Regulations.
I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:
(Type or Print Name)
Signature
Address
City and State

Legal Owner(s):
Bernard J. Zeller, Jr.
(Type or Print Name)
Signature
Carolyn Zeller
(Type or Print Name)
Signature
Carolyn Zeller

Attorney for Petitioner:
(Type or Print Name)
Address
City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted
Bernard J. Zeller, Jr.
Name
11 Galahad Court
Address
Baltimore, Maryland 21237
City and State

Attorney's Telephone No.: 574-0182
Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 20th day of July, 1989, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 108, County Office Building in Towson, Baltimore County, on the 19th day of October, 1989, at 2 o'clock P.M.

J. Robert Haines
Zoning Commissioner of Baltimore County.

(over)

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines
Zoning Commissioner
FROM: Pat Keller, Deputy Director
Office of Planning and Zoning
Bernard J. Zeller, Jr.
SUBJECT: Zoning Petition No. 89-108-A
Date: September 27, 1988

Staff notes the relative proximity of the proposed garage to the adjoining property. Landscaping between the garage and that portion of the driveway located 5.5 feet from the adjoining property should be provided.

PK/sf

RECEIVED
SEP 30 1988

ZONING OFFICE

cc: Mr. & Mrs. Zeller
10/1/89

OCT. 03 1988

Baltimore County
Zoning Commissioner
Office of Planning and Zoning
Towson, Maryland 21204
494-3333

J. Robert Haines
Zoning Commissioner

October 7, 1988

Mr. & Mrs. Bernard J. Zeller, Jr.
11 Galahad Court
Baltimore, Maryland 21237

RE: PETITION FOR ZONING VARIANCE
SE/S Galahad Court, 125' NE of the c/l of Litany Lane
(11 Galahad Court)
14th Election District - 6th Councilmanic District
Bernard J. Zeller, Jr., et ux - Petitioners
Case No. 89-108-A

Dear Mr. & Mrs. Zeller:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 494-3391.

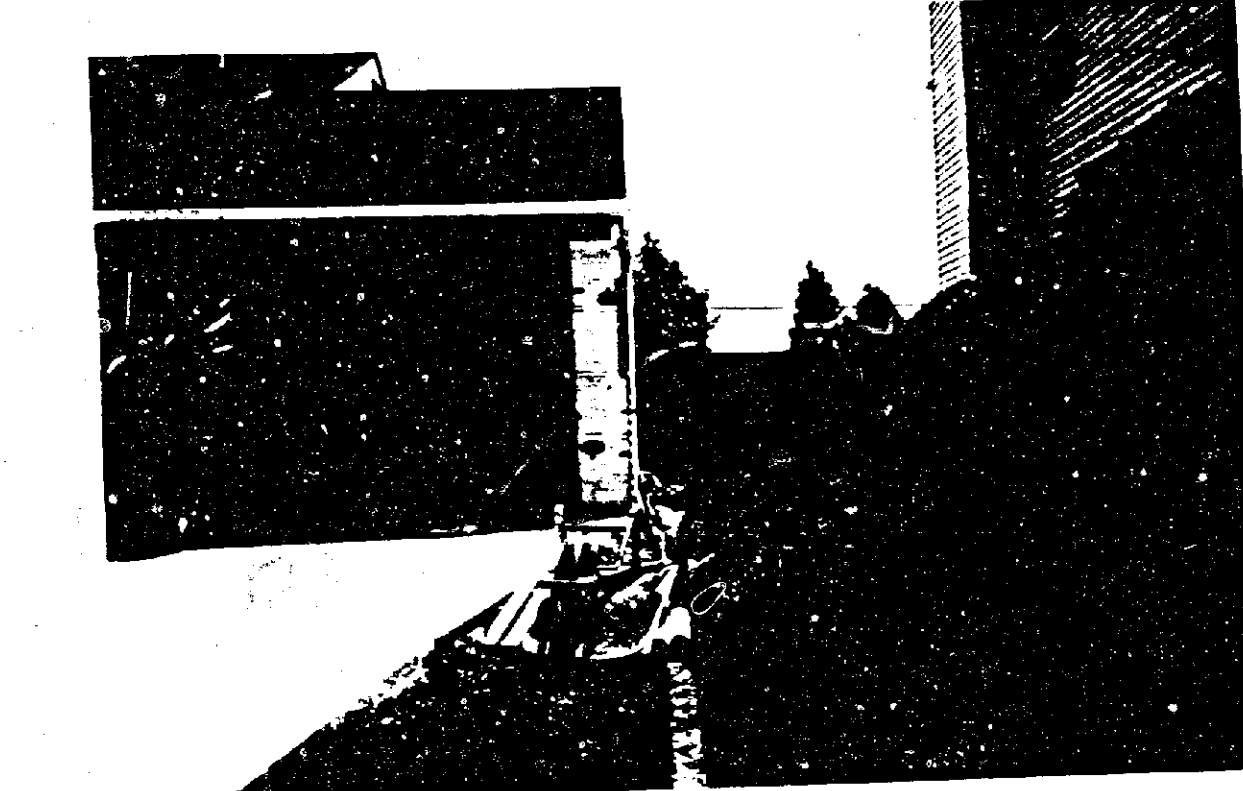
Very truly yours,

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

AMN:bjs

cc: People's Counsel

File



Beginning on the southeast side of Galahad Court,
26 feet wide, at the distance of 125' northeast of
the centerline of Litany Lane. Being Lot 44, Block B,
Section 3, in the subdivision of "King's Court".
Book No. 42, Folio 76. Also known as 11 Galahad
Court in the 14th Election District.

"DUPLICATE" CERTIFICATE OF PUBLICATION

TOWSON, MD., 1988

THIS IS TO CERTIFY, that the annexed advertisement was
published in OWINGS MILLS TIMES, a weekly newspaper published
in Towson, Baltimore County, Md., once in each of
successive weeks, the first publication appearing on

OWINGS MILLS TIMES,

#118948
#0421
\$37.50

S. Zabe Olin
Publisher

PUBLICATION
NOTICE OF HEARING
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations, Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:
Petition for Zoning Variance
Case Number: 89-108-A
S/E side Galahad Court, 125' NE of c/l Litany Lane
(11 Galahad Court)
14th Election District - 6th Councilmanic
Petitioner(s): Bernard J. Zeller, Jr., et ux
Hearing Date: Tuesday, Oct. 4, 1988 at 2:00 p.m.
Variance to permit a side yard setback of 5.5' and a sum of widths of side yards of 15.5 in lieu of the required 8' and 20' respectively.
In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.
J. ROBERT HAINES
Zoning Commissioner of Baltimore County
WOM Sept. 7

CERTIFICATE OF PUBLICATION

TOWSON, MD., September 9, 1988

THIS IS TO CERTIFY, that the annexed advertisement was
published in THE JEFFERSONIAN, a weekly newspaper published
in Towson, Baltimore County, Md., once in each of successive
weeks, the first publication appearing on Sept. 8, 1988

THE JEFFERSONIAN,

S. Zabe Olin
Publisher

SALLES & LEGAL NOTICES
NOTICE OF HEARING
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations, Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:
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Case Number: 89-108-A
S/E side Galahad Court, 125' NE of c/l Litany Lane
(11 Galahad Court)
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Petitioner(s): Bernard J. Zeller, Jr., et ux
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J. ROBERT HAINES
Zoning Commissioner of Baltimore County
WOM Sept. 6

#04122
#04121
\$37.50

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 14th
Posted for: Variance
Petitioner: Bernard J. Zeller, Jr., et ux
Location of property: S/E side Galahad Ct., 125' NE of c/l Litany Lane
11 Galahad Ct.
Location of Sign: Existing Galahad Ct. easement, 8' E of Red Way, on property of Petitioner
Remarks: *[Signature]*
Posted by: *[Signature]* Date of return: 9/23/88
Number of Signs: 1

89-108-A

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3353

J. Robert Haines
Zoning Commissioner

Date: 9/15/88



Mr. & Mrs. Bernard J. Zeller, Jr.
11 Galahad Court
Baltimore, Maryland 21237

Re: Petition for Zoning Variance
CASE NUMBER: 89-108-A
S/E side Galahad Court, 125' NE of c/l Litany Lane
(11 Galahad Court)
14th Election District - 6th Councilmanic
Petitioner(s): Bernard J. Zeller, Jr., et ux
HEARING SCHEDULED: TUESDAY, OCTOBER 4, 1988 at 2:00 p.m.

Dear Mr. & Mrs. Zellers:

Please be advised that \$90.00 is due for advertising and posting of the above-referenced property. All fees must be paid prior to the hearing. Do not remove the sign and post set(s) from the property from the time it is posted by this office until the day of the hearing itself.

THIS FEE MUST BE PAID AND THE ZONING SIGN(S) AND POST(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Please make your check payable to Baltimore County, Maryland and bring it along with the sign(s) and post(s) to the Zoning Office, County Office Building, Room 111, Towson, Maryland 21204 fifteen (15) minutes before

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE-REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 059106
DATE: 9/15/88 ACCOUNT: 89-108-A
AMOUNT: \$ 90.00
RECEIVED FROM: Bernard J. Zeller, Jr.
FOR: 11 Galahad Ct. 9/15/88
VALIDATION OR SIGNATURE OF CASHIER
J. ROBERT HAINES

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

September 28, 1988

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

Mr. & Mrs. Bernard J. Zeller, Jr.
11 Galahad Court
Baltimore, Maryland 21237

RE: Item No. 9 - Case No. 89-108-A
Petitioner: Bernard J. Zeller, Jr., et ux
Petition for Zoning Variance

Dear Mr. & Mrs. Zeller:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

James E. Dyer
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:dt

Baltimore County
Fire Department
Towson, Maryland 21204-2586
494-4500

Paul H. Reinske
Chief

July 26, 1988

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

Re: Property Owner: Bernard J. Zeller, Jr., et ux
Location: S/E Side of Galahad Ct., 125' NE of c/l of Litany Lane
Item No.: 9 Zoning Agenda: July 19, 1988

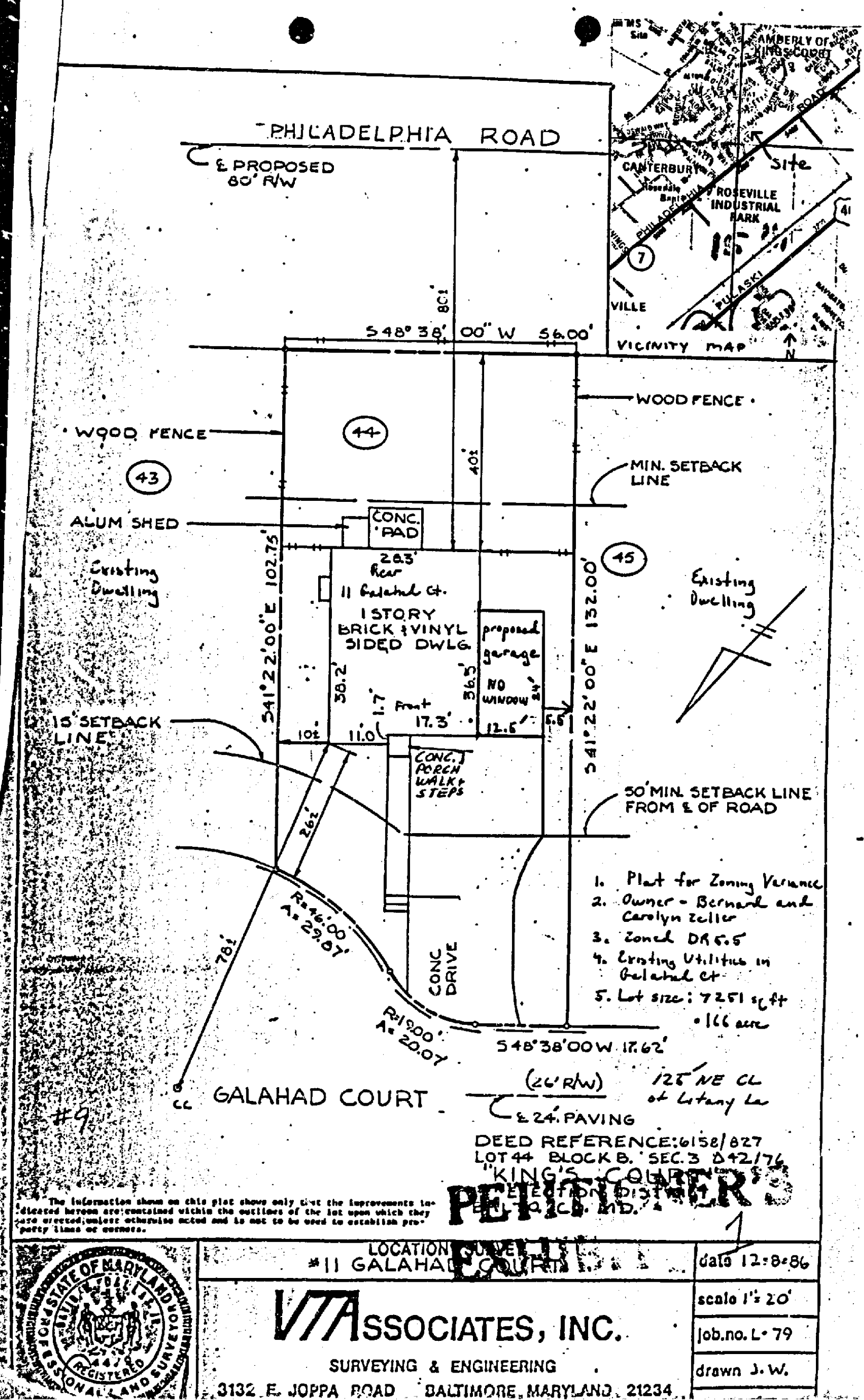
Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

1. Fire hydrants for the referenced property are required and shall be located at intervals of _____ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
2. A second means of vehicle access is required for the site.
3. The vehicle dead end condition shown at _____ EXCEEDS the maximum allowed by the Fire Department.
4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.
6. Site plans are approved, as drawn.
7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *[Signature]* Noted and Approved: *[Signature]*
Planning Group Fire Prevention Bureau
Special Inspection Division

/s/



Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3353

J. Robert Haines
Zoning Commissioner

August 18, 1988

NOTICE OF HEARING



The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Zoning Variance
CASE NUMBER: 89-108-A
S/E side Galahad Court, 125' NE of c/l Litany Lane
(11 Galahad Court)
14th Election District - 6th Councilmanic
Petitioner(s): Bernard J. Zeller, Jr., et ux
HEARING SCHEDULED: TUESDAY, OCTOBER 4, 1988 at 2:00 p.m.

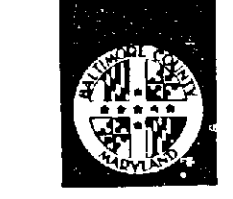
Variance to permit a side yard setback of 5.5' and a sum of widths of side yards of 15.5 in lieu of the required 8' and 20' respectively.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. ROBERT HAINES
Zoning Commissioner of Baltimore County

cc: Bernard J. Zeller, Jr., et ux
File

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
County Office Building, Suite 405
Towson, Maryland 21204
494-3554



August 5, 1988

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, MD 21204

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 475, 476, 482, 487, 1,2,3,4,7,8,9 and 10.

Very truly yours,

Stephan E. Weber, P.E.
Assistant Traffic Engineer

SEW/RE/lab

89-108-A

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your petition has been received and accepted for filing this
20th day of July, 1988.

J. Robert Haines
ZONING COMMISSIONER

Petitioner: Bernard J. Zeller, Jr., et ux
Attorney: *[Signature]*
Received by: James E. Dyer
Chairman, Zoning Plans Advisory Committee